

EXHIBIT 18

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

AHMED ELZEIN,

Plaintiff,

vs

Case No. 22-cv-12352
Hon. Sean F. Cox
Mag. Curtis Ivy, Jr.

ASCENSION GENESYS HOSPITAL,

Defendant.

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VIDEOCONFERENCE DEPOSITION OF NATALIA BAJ-OSIEWICZ, M.D.,  
taken on Thursday, November 16, 2023, at 1:00 p.m.,  
pursuant to Notice.

Reported remotely by DEBORAH LINEHAN, CER 7251

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| <p style="text-align: right;">Page 10</p> <p>1 <b>A That is correct.</b></p> <p>2 Q Do the second-year residents at Ascension Genesys</p> <p>3 internal medicine residency program have any</p> <p>4 supervisory responsibilities?</p> <p>5 <b>A Yes, we do. We supervise the interns and medical</b></p> <p>6 <b>students.</b></p> <p>7 Q When you say interns, what is that referring to?</p> <p>8 <b>A First-year residents.</b></p> <p>9 Q How long is the internal medicine residency program at</p> <p>10 Ascension Genesys?</p> <p>11 <b>A Three years.</b></p> <p>12 Q Did you go through the program for four years, though?</p> <p>13 <b>A No, three years.</b></p> <p>14 Q You're right. I'm sorry, I miscalculated.</p> <p>15 Do you remember Ahmed Elzein?</p> <p>16 <b>A Yes, I do.</b></p> <p>17 Q Did you review any documents to prepare for your</p> <p>18 deposition today?</p> <p>19 <b>A I reviewed the email that I sent to Dr. Pawlaczyk after</b></p> <p>20 <b>the event that we're discussing.</b></p> <p>21 Q So I had sent to Ascension's attorney what is marked as</p> <p>22 proposed Exhibit -- well, it is -- it's not proposed --</p> <p>23 it's Exhibit 18 for your deposition. I understand that</p> <p>24 you did receive a copy of that; is that correct?</p> <p>25 <b>A Yes, it is.</b></p> | <p style="text-align: right;">Page 12</p> <p>1 Q -- yeah.</p> <p>2 <b>A I mean, going back to if I spoke with Dr. Pawlaczyk</b></p> <p>3 <b>regarding this. I mean, she's aware that I'm giving a</b></p> <p>4 <b>deposition because, I mean, she's my supervisor, but we</b></p> <p>5 <b>didn't discuss any details of the case if that's what</b></p> <p>6 <b>you were asking.</b></p> <p>7 Q Okay, I appreciate that. Thank you.</p> <p>8 So according to your statement it appears that --</p> <p>9 well, there was a day where Dr. Elzein was taken to the</p> <p>10 emergency room. You recall that, right?</p> <p>11 <b>A Yes.</b></p> <p>12 Q But from your statement it appears as though you</p> <p>13 started having concerns in your mind a couple of days</p> <p>14 earlier; would that be accurate?</p> <p>15 <b>A That is correct.</b></p> <p>16 Q Describe for me what the nature of those concerns were,</p> <p>17 your initial concerns.</p> <p>18 <b>A Okay. Can I specify if you mean just regarding to this</b></p> <p>19 <b>event or that I have any concerns for him from the</b></p> <p>20 <b>beginning of residency?</b></p> <p>21 Q I'm not talking about his job performance. What I'm</p> <p>22 focused in on is your perceptions of his mental health.</p> <p>23 <b>A Okay, thank you. I feel that he was starting to act</b></p> <p>24 <b>strange. He was not giving his 100 percent like he did</b></p> <p>25 <b>before. The day before he was really kind of spacing</b></p>                                            |
| <p style="text-align: right;">Page 11</p> <p>1 Q Is that the email that you're referring to?</p> <p>2 <b>A Yes.</b></p> <p>3 Q Did you review any other documents other than Exhibit</p> <p>4 18 to prepare for your deposition?</p> <p>5 <b>A Only the stuff that -- you know, calling me for</b></p> <p>6 <b>deposition today.</b></p> <p>7 Q Okay.</p> <p>8 <b>A The document.</b></p> <p>9 Q I meant substantive about Dr. Elzein. Anything else?</p> <p>10 <b>A No.</b></p> <p>11 Q Did you talk about your testimony with anybody other</p> <p>12 than an attorney to prepare for your deposition today?</p> <p>13 <b>A My husband.</b></p> <p>14 Q Okay. How about Dr. Pawlaczyk? Did you talk to her at</p> <p>15 all?</p> <p>16 <b>A No, I did not.</b></p> <p>17 Q In reviewing what's marked as Exhibit 18 to prepare for</p> <p>18 your deposition, did you see anything that you wish to</p> <p>19 amend or change about your statement?</p> <p>20 <b>A Well, everything that I wrote in there is true, and</b></p> <p>21 <b>there's a few things that I can possibly add to this,</b></p> <p>22 <b>but there's not necessarily anything that I would like</b></p> <p>23 <b>to review or amend.</b></p> <p>24 Q Okay. So reviewing --</p> <p>25 <b>A Can I ask a question?</b></p>                                  | <p style="text-align: right;">Page 13</p> <p>1 <b>out. You know, usually he would get his work done, and</b></p> <p>2 <b>maybe go to the intern call room. And the day before</b></p> <p>3 <b>this event he was just kind of sitting there staring in</b></p> <p>4 <b>space. Staring at a computer screen for hours, which,</b></p> <p>5 <b>you know, I noticed -- I did write that in the</b></p> <p>6 <b>statement there. I asked him to maybe read the</b></p> <p>7 <b>required materials for didactics that, you know, he</b></p> <p>8 <b>could get busy doing something, and he just moved to</b></p> <p>9 <b>another computer and did the same thing, which wasn't</b></p> <p>10 <b>normal for him. He was just kind of staring at the</b></p> <p>11 <b>screen at that time.</b></p> <p>12 Q Did you approach him or talk to him about that behavior</p> <p>13 at that time?</p> <p>14 <b>A No, I did not.</b></p> <p>15 Q Did you talk to anybody else about your concerns on</p> <p>16 that day? I know that later you did, but I meant on</p> <p>17 that day did you?</p> <p>18 <b>A I mean, I was not the only one who noticed. We are</b></p> <p>19 <b>usually working as a team. There was another senior on</b></p> <p>20 <b>the service, and we were both kind of like what's going</b></p> <p>21 <b>on. Why, you know, why is he just sitting here</b></p> <p>22 <b>staring.</b></p> <p>23 So we did both notice that. We kind of noted and</p> <p>24 then when there was work to do we tried to involve him</p> <p>25 in that work.</p> |

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| <p style="text-align: right;">Page 14</p> <p>1 Q Who was this other senior?</p> <p>2 A I'm pretty sure it was Andrew Dolehanty at the time.</p> <p>3 Q Is there anything else that you noticed a concern on</p> <p>4 that date?</p> <p>5 A I don't recall anything else at this time.</p> <p>6 Q Okay. And then you describe in your note another</p> <p>7 incident I think the following day involving -- well,</p> <p>8 it started with you -- you said there were some</p> <p>9 concerns about him staring at his computer screen again</p> <p>10 on the next day; is that right?</p> <p>11 A Uh-huh.</p> <p>12 Q Is that yes?</p> <p>13 A Yes. I'm sorry, yes.</p> <p>14 Q It's okay. Everybody does it.</p> <p>15 But then there was an incident with a particular</p> <p>16 patient that you noted in your -- in your statement to</p> <p>17 Dr. Pawlaczyk, correct?</p> <p>18 A Correct.</p> <p>19 Q From your note it appears, though, that you did not</p> <p>20 witness any of this interaction; would that be</p> <p>21 accurate?</p> <p>22 A Yes.</p> <p>23 Q How did you hear about this incident with the patient</p> <p>24 with schizophrenia?</p> <p>25 A Again, the other senior was supervising Ahmed in going</p>                                                                                                                                                                                                                                                                                                                                 | <p style="text-align: right;">Page 16</p> <p>1 Q Did you ever talk to Dr. Elzein about it, that</p> <p>2 incident?</p> <p>3 A Well, next day when we had the discussion about</p> <p>4 everything that happened. I think I did --</p> <p>5 Q And that was --</p> <p>6 A -- uh-huh --</p> <p>7 Q -- one of the topics you discussed with him?</p> <p>8 A Yes, I believe so. Although, my memory is a little bit</p> <p>9 shaky, so to speak, because it has been a long time</p> <p>10 ago.</p> <p>11 Q Sure. Did Dr. Elzein ever express to you that he was</p> <p>12 concerned that this patient had violent tendencies, and</p> <p>13 that's why he was concerned about being by himself in</p> <p>14 the ER bay with him?</p> <p>15 A Thinking about our conversation the day after, yes, he</p> <p>16 did say that. Especially that the sign out we got from</p> <p>17 the ER did say that this patient had schizophrenia. He</p> <p>18 had a seizure. I don't recall if there was any, you</p> <p>19 know, mention of violence, but usually you kinda -- you</p> <p>20 never know what you're walking into kind of thing.</p> <p>21 Q But whether or not the patient actually had violent</p> <p>22 tendencies or actually, you know, whatever the -- isn't</p> <p>23 that what Dr. Elzein expressed as his concern about</p> <p>24 going in alone?</p> <p>25 A Yes.</p>                                                                                 |
| <p style="text-align: right;">Page 15</p> <p>1 down there and seeing the patient, and normally when</p> <p>2 they come back from the ER the intern is responsible</p> <p>3 for doing most of the work because that's how they</p> <p>4 learn. Putting in the orders, writing the note, and I</p> <p>5 have noticed that he was sitting staring at a computer</p> <p>6 screen and the senior was doing all the work so I</p> <p>7 questioned what's going on. At which point Dr.</p> <p>8 Dolehanty did say that we're going to talk about this</p> <p>9 later. He wanted to finish the work that needed to be</p> <p>10 done.</p> <p>11 It was towards the evening so we did do a sign out</p> <p>12 to the evening team, you know, in terms of going home.</p> <p>13 So Dr. Elzein went home, and Dr. Dolehanty stayed</p> <p>14 behind and we discussed what happened.</p> <p>15 Q And what did Dr. Dolehanty tell you?</p> <p>16 A That Dr. Elzein was acting very strange in the ER. He</p> <p>17 didn't want to go see the patient by himself. I don't</p> <p>18 recall the exact words, but it felt -- you know, it</p> <p>19 seems like he was feeling like, you know, people are</p> <p>20 watching him. And he just didn't want to do what he</p> <p>21 was supposed to do, which is see the patient first, and</p> <p>22 then the senior maybe goes in and sees the patient</p> <p>23 afterwards. That's usually how we do things. So it</p> <p>24 looked like he refused to do that, and then Dr.</p> <p>25 Dolehanty had to step in and do the work.</p> | <p style="text-align: right;">Page 17</p> <p>1 Q Okay. And then the following day would have been the</p> <p>2 day that Dr. Elzein ended up in the emergency room,</p> <p>3 correct?</p> <p>4 A That is correct.</p> <p>5 Q Describe for me how you first became aware that there</p> <p>6 were some concerns about Dr. Elzein that day.</p> <p>7 A I became aware when -- after rounds and we came back</p> <p>8 into the call room, and that there were a few interns</p> <p>9 there that brought it up to our attention.</p> <p>10 Q Who was "our" you described?</p> <p>11 A Myself and Dr. Dolehanty.</p> <p>12 Q Who were the interns that brought this up to you guys?</p> <p>13 A I do not remember.</p> <p>14 Q What did they tell you?</p> <p>15 A That Dr. Elzein has been acting strange all day. That</p> <p>16 he has been not eating. There was an incident with a</p> <p>17 locker. They said that he thought somebody put</p> <p>18 something in his locker, and he called security to</p> <p>19 check it out and he moved his locker to a different</p> <p>20 locker. He thought that people were watching him.</p> <p>21 He -- I'm not sure if they told me that. This is</p> <p>22 something he told me later that he thought people were</p> <p>23 watching him, but they said that he was recording</p> <p>24 people on his phone and just acting weird. He also was</p> <p>25 not eating or drinking, and they were also concerned</p> |

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| <p style="text-align: right;">Page 18</p> <p>1 about that.</p> <p>2 Q What time of day was this?</p> <p>3 A I don't know the exact time of day, but it must have</p> <p>4 been somewhere around noon.</p> <p>5 Q What time did he start that day?</p> <p>6 A We always start at 6 a.m.</p> <p>7 Q Did these interns say anything else to you that you</p> <p>8 recall?</p> <p>9 A I don't recall anything else.</p> <p>10 Q What action did you take as a result of getting this</p> <p>11 information?</p> <p>12 A I believe I discussed this with Dr. Dolehanty. I think</p> <p>13 he was present during that conversation.</p> <p>14 We decided that he's going to contact Dr.</p> <p>15 Pawlaczyk, and I will speak with Dr. Elzein, and kind</p> <p>16 of try to get a feel for what's going on.</p> <p>17 Q And did you do that?</p> <p>18 A Yes, I did.</p> <p>19 Q Where did you speak to him at?</p> <p>20 A So in our call room there's a few back rooms that have</p> <p>21 beds in them and computer stations so we can take a</p> <p>22 rest during maybe night shift. It's a private area</p> <p>23 where, you know, we can close the door so that's where</p> <p>24 I spoke with him.</p> <p>25 Q Was there anybody there other than the two of you?</p>                                             | <p style="text-align: right;">Page 20</p> <p>1 A I believe so.</p> <p>2 Q Okay. And did you give him any of the details or</p> <p>3 specifics that were told to you by the interns at that</p> <p>4 time?</p> <p>5 A I don't remember.</p> <p>6 Q Okay. What did he tell you?</p> <p>7 A So he told me that he is concerned that there's some</p> <p>8 strange things happening around him, and he doesn't</p> <p>9 feel comfortable.</p> <p>10 Q Did he describe those strange things?</p> <p>11 A So I feel that -- I feel -- I kind of recall, I guess,</p> <p>12 he had a difficult time describing exactly what has</p> <p>13 been going on. He did say that one of the senior</p> <p>14 residents put something in his pocket. When I asked</p> <p>15 him what it was, he was unable to tell me what it was.</p> <p>16 He did mention that he moved his locker. He</p> <p>17 thought there was something in his locker and he</p> <p>18 thought it was something bad, and he didn't want to get</p> <p>19 in trouble for it so he moved his locker and called</p> <p>20 security. I remember I tried to ask him more details</p> <p>21 about that. Meaning like what was it, what did he</p> <p>22 think it was, and if he found anything in his locker</p> <p>23 afterwards and he said no. He wasn't able to tell me</p> <p>24 exactly what this object was that was maybe put in his</p> <p>25 locker.</p>                                                                                                                                                      |
| <p style="text-align: right;">Page 19</p> <p>1 A No.</p> <p>2 Q Did you record the conversation in any manner?</p> <p>3 A No, I did not.</p> <p>4 Q Are you aware of any recording devices that would be</p> <p>5 inside that room?</p> <p>6 A No, I am not.</p> <p>7 Q How did you start the conversation?</p> <p>8 A I don't remember.</p> <p>9 Q Okay, fair enough.</p> <p>10 Let me just explain to you because I don't want to</p> <p>11 just say tell me about the conversation because I know</p> <p>12 there was a lot that went back and forth. So I don't</p> <p>13 want to make this a speech. I want to kind of walk</p> <p>14 through it a little bit.</p> <p>15 As best as you recall, I mean, how did you sort of</p> <p>16 broach the topic with him?</p> <p>17 A Okay. So knowing myself I probably asked him what's</p> <p>18 going on and, you know, to tell me in his own words how</p> <p>19 he's feeling and what's happening, and I did tell him</p> <p>20 that the interns -- other interns have been worried so</p> <p>21 they came to us to kind of bring this up to our</p> <p>22 attention and, you know...</p> <p>23 Q And that's what I was getting -- so you told him some</p> <p>24 people have given us some concerns, and I want to talk</p> <p>25 to you about it basically?</p> | <p style="text-align: right;">Page 21</p> <p>1 He feels that he cannot rest and be comfortable</p> <p>2 because every time he closes his eyes the residents are</p> <p>3 getting closer to him, and they're trying to do</p> <p>4 something to him. But, again, he wasn't sure what was</p> <p>5 going on there, and he was very suspicious of the</p> <p>6 cleaning lady. He said that somebody came in and they</p> <p>7 started cleaning, but they had a mask on and no badge.</p> <p>8 And that seemed that it was very disturbing to him.</p> <p>9 And it was kind of a similar story, too, the</p> <p>10 evening before where he did say that there were a lot</p> <p>11 of doctors standing around, and none of them had</p> <p>12 badges. That they were watching him. Almost like kind</p> <p>13 of setting him up for failure or that, you know,</p> <p>14 something bad is going to happen.</p> <p>15 Q With regard to the locker, did he describe to you that</p> <p>16 he saw somebody come in to the intern call room who</p> <p>17 didn't have a badge, and he didn't recognize and put</p> <p>18 something in a locker?</p> <p>19 A No. I felt that these were two different stories.</p> <p>20 Something in the locker and the separate was the</p> <p>21 cleaning lady that came in without a badge, but I don't</p> <p>22 recall those two connecting as of the cleaning lady has</p> <p>23 put something in his locker.</p> <p>24 Q The senior resident that he mentioned -- that you</p> <p>25 mentioned earlier about putting something in his</p> |

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| <p style="text-align: right;">Page 22</p> <p>1 pocket, was that Becka?</p> <p>2 A Yes.</p> <p>3 Q What is Becka's full name?</p> <p>4 A Rebecca Maynard, M-A-Y-N-A-R-D.</p> <p>5 Q Did he offer you any other details about that event?</p> <p>6 A No. But later when he was sitting in the call room</p> <p>7 when Rebecca came in it seemed that he was very</p> <p>8 vigilant about her. He was really watching her very</p> <p>9 closely, and actually recording her later on too.</p> <p>10 Q How do you know he was recording her?</p> <p>11 A Because he had his phone up and he was recording</p> <p>12 sitting next to me.</p> <p>13 Q You could see -- you could see the screen?</p> <p>14 A Yes.</p> <p>15 Q Okay. Do you recall anything else about the</p> <p>16 conversation with Dr. Elzein?</p> <p>17 A Well, you know, being in the profession I am I did</p> <p>18 quickly ask him about like past medical history,</p> <p>19 psychiatric history, medications, any substance use.</p> <p>20 Just kind of -- the biggest thing I really wanted to</p> <p>21 make sure that he doesn't have maybe depression and is</p> <p>22 not suicidal. Because I wanted to make sure he's not</p> <p>23 going to harm himself in this situation, and just a</p> <p>24 kind of quick medical history, and he denied any of the</p> <p>25 above.</p>                                                                | <p style="text-align: right;">Page 24</p> <p>1 own country.</p> <p>2 Q Did he give you any other incidents involving perceived</p> <p>3 discrimination or harassment?</p> <p>4 A No, I don't recall that.</p> <p>5 Q What other things did he tell you during the call?</p> <p>6 A So he called me saying that he was released from the</p> <p>7 hospital. That he was very grateful for me taking care</p> <p>8 of him on that day meaning November -- I don't remember</p> <p>9 to be honest what date that was -- when he was</p> <p>10 hospital -- you know, taken to the ER.</p> <p>11 He was very thankful. Saying things that, you</p> <p>12 know, now I'm going to be part of his family. And</p> <p>13 then, you know, how grateful he is that, you know, not</p> <p>14 everyone has been so nice to him, and he brought up</p> <p>15 this incident with another resident at that time.</p> <p>16 And honestly I just found that a little bit</p> <p>17 strange because I've never heard from him again after</p> <p>18 that.</p> <p>19 Q Did he ask anything of you during that conversation?</p> <p>20 A No, he did not. Not that I recall. It was mostly that</p> <p>21 he was grateful.</p> <p>22 Q Was this his cell phone calling your cell phone?</p> <p>23 A Yes.</p> <p>24 Q Did you tell anyone at Ascension Genesys about the</p> <p>25 call?</p> |
| <p style="text-align: right;">Page 23</p> <p>1 I also did let him know that I wanted to speak</p> <p>2 with Dr. Pawlaczyk about this, and I asked him if he's</p> <p>3 okay doing so. He said yes. So I did call our program</p> <p>4 director and gave her a summary of what's going on.</p> <p>5 Q During your conversation with Dr. Elzein when you're in</p> <p>6 the back room -- in the call room, did he bring up any</p> <p>7 difficulties that he was having with regard to</p> <p>8 discrimination or harassment?</p> <p>9 A No, he did not.</p> <p>10 Q At any time did he ever indicate to you that he was</p> <p>11 either being discriminated against or harassed?</p> <p>12 A He called me after he was released from the hospital,</p> <p>13 and he did tell me that during that conversation over</p> <p>14 the phone.</p> <p>15 Q I'm sorry, when was that?</p> <p>16 A He called me after he was released from the hospital.</p> <p>17 Q After. Okay.</p> <p>18 A Yes.</p> <p>19 Q What did he tell you in this phone call?</p> <p>20 A Can you specify if you want the entire conversation or</p> <p>21 just the details about the discrimination?</p> <p>22 Q For now just the discrimination.</p> <p>23 A Okay. So he did mention during that conversation that</p> <p>24 another resident came in when he was praying into a</p> <p>25 call room, and told him that he should go back to his</p> | <p style="text-align: right;">Page 25</p> <p>1 A I don't recall to be honest.</p> <p>2 Q Did you give him any advice?</p> <p>3 A I don't recall. I don't know.</p> <p>4 Q So going back to the day that he was taken to the</p> <p>5 emergency room. You said that you asked him -- you</p> <p>6 told him that I -- you know, I'm going to need to</p> <p>7 report this to Dr. Pawlaczyk. Did you, in fact, do</p> <p>8 that?</p> <p>9 A Yes, I did.</p> <p>10 Q And did you do that by phone or in person? How did you</p> <p>11 get ahold of her?</p> <p>12 A By phone. I called her. I'm not sure if I used my own</p> <p>13 cell phone or if I used the hospital phone because --</p> <p>14 and the service in those rooms is very bad so I might</p> <p>15 have used the hospital phone. However, I'm not 100</p> <p>16 percent sure.</p> <p>17 Q Was Dr. Elzein present while you were having this</p> <p>18 conversation with Dr. Pawlaczyk?</p> <p>19 A I don't remember.</p> <p>20 Q At some point you understand that Dr. Pawlaczyk reached</p> <p>21 out to Dr. Elzein while he was in the intern room,</p> <p>22 correct?</p> <p>23 A That is correct.</p> <p>24 Q Were you part of that conversation -- oh, go ahead.</p> <p>25 A I was not. So this was, again, in that back room. I</p>                                                                |